



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Where application of:

Budahazi *et al.*

Appl. No.: 10/719,978

Filed: November 24, 2003

For: **Process for Purification of Plasmid
DNA**

Confirmation No.: 1745

Art Unit: 1637

Examiner: STRZELECKA, Teresa E.

Atty. Docket: 1530.0550001/EKS/LAV

Reply to Restriction Requirement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated May 31, 2006, requesting an election of one invention to prosecute in the above-referenced patent application, Applicant hereby provisionally elects to prosecute the invention of Group **II**, represented by claims 21-34. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

This election is made **with** traverse.

The Examiner asserts that Group **I**, represented by claims 1-20 and Group **II**, represented by claims 21-34, are distinct inventions. The Examiner alleges that the DNA product of Group **II** can be made by an entirely different process than the process recited in the claims of Group **I**, citing MPEP §806.05(f). The Examiner has also asserted that searching the inventions of Groups **I** and **II** together would impose a serious search burden because the search for the DNA products and the method of making them are not coextensive. The Examiner further asserted that prior art which teaches a DNA product